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" Standing Order 21, as amended by the Select Committee, reads thus:

'21. *If the President is of opinion that the matter proposed to be discussed is in order, he shall read the statement to the Council and ask whether the member has the leave of the Council. If objection is taken, the President shall request those members who support the motion to rise in their places, and if twenty or more members rise accordingly, the President shall intimate that the motion will be taken at 4 p.m. the same day. If less than twenty members rise, the President shall inform the member that he has not the leave of the Council.*' "

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR :—" I second it."

The amendment was put and carried.

VIII.—A BILL TO AMEND THE MADRAS PREVENTION OF ADULTERATION ACT, 1918.

* The hon. Diwan Bahadur B. MUNISWAMI NAYUDU :—" Sir, I beg to introduce a Bill[a] to amend the Madras Prevention of Adulteration Act, 1918 (Bill No. 23 of 1931) and move that the Bill be taken into consideration."

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR :—" I second it."

* The hon. the PRESIDENT :—" The motion is that Bill No. 23 of 1931 be taken into consideration."

* Mr. SAMI VENKATACHALAM CHETTI :—" Sir, I am sorry I have not given notice of an amendment that the Bill may be referred to a select committee. But having regard to the fact that the rules, as at present framed, do not suit the local requirements, I appeal to the honourable Minister to see whether it is not advisable to have all the rules scrutinised and amended in such a way that they suit the local conditions. Let me cite one or two examples to show how even in the case of persons who want to conform strictly to the provisions of the Act, the rules work very great hardship. The Corporation of Madras prosecuted certain ghee merchants. Mr. Smith knows those cases. The merchants were prosecuted because they did not put up labels showing the proportion of the various ingredients composing the sample of ghee. The rules required that they should put up such labels for every tin of ghee offered for sale. That means that they should send their samples to the Public Analyst or the Corporation Analyst and take his report of the analysis of the samples and only then sell their ghee clearly showing the proportion of the various ingredients in it. The merchants submitted that

[a] Published in the *Fort St. George Gazette*, dated 20th October 1931.

such a rule was unworkable. They agreed to put up labels showing whether the ghee was adulterated or unadulterated in order to warn customers as to what they were buying. It appears to me that what the merchants want is very reasonable and is worth examining. If the rules are examined in this light it might be possible for us to amend them in such a way that while not giving up the objects of the Act, no hardship will be caused to the merchants by forcing them to observe impracticable and unnecessary rules.

"I beg the hon. Minister to consider this aspect of the question. 12-30 p.m. I dare say that there will be some rules which will be unsuitable to the City of Madras and other places; these rules were framed on the model of the western countries where a good deal of the transactions are done wholesale in order to warn people of the ingredients of each commodity. Unlike other countries, the charge of examination and chemical analysis is rather prohibitive in this country. I beg the indulgence of the hon. Minister to view this aspect of the question and to see whether this Bill may not be referred to a Select Committee and the suitability of the rules to the present day requirements and local conditions examined."

Mr. Abdul Hameed Khan:—"Sir, this legislation is of a very important character. I am glad that this amending Bill has not come a day too late. Every one who knows the conditions prevalent not only in the city but also elsewhere in the Province, is aware of the enormous amount of adulteration that is going on in foodstuffs generally and the absence of any active attempt made by local bodies to put it down. I sympathise with certain difficulties which the merchants will experience when this Act is enforced. But, Sir, unless they are taught a lesson, they will continue to cheat the public as they have been doing so long. To mention only two cases of ghee and coffee, I find that the Madras Corporation has taken action and has prosecuted a certain number of the merchants and it should not be difficult for them to put labels on the tins with regard to the proportion of the ingredients of each tin. They ought to do it if the merchants do not want to sell adulterated commodity as a pure one. The poor buyer, the ordinary consumer of the foodstuffs, does not know what he is purchasing. It is only after he has purchased the commodity, taken it home and used it, that he realises that he has been cheated. This evil has become universal because the local bodies have not given effect to the provisions of the Adulteration Act. I hope, Sir, that the hon. Minister in charge of Local Bodies will draw the attention of the local bodies to this fact and see that this Act is enforced in a better way hereafter than in the past. At the same time I sympathise with the merchants and, if they really suffer any hardship in this matter, the Government will have to consider their case also."

* Mr. F. E. James:—"Sir, I think there seems to be some misunderstanding with regard to this Bill; the motion to refer the Bill to a Select Committee is due to a misunderstanding. The difficulty under the present Act is that there are legal doubts as to whether the

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rules issued under it, may not have to be re-issued each time the Act is extended to a municipality. It is the purpose of this Bill to remove this legal doubt. In a sense this is only a drafting measure, and it is unnecessary to deal with the principles underlying the attempt to cope with food adulteration. I am as interested as anybody in this House, in the question of checking food adulteration. But I venture to suggest that the measures which are necessary to amend the rules or to make them more applicable to certain places have to be dealt with in another way. Reference of this particular Bill to a Select Committee will not bring about the object which my hon. Friend, the Member for Madras, has in view. I join with him in suggesting to the hon. Minister an examination of the rules which are issued under this Act. But I do suggest that, for this purpose, it is not necessary to refer this Bill to a Select Committee. This is merely a drafting measure to remove a legal difficulty. I suggest that the Bill may go through without any further discussion and after that I shall consult my hon. Friend, the Member for Madras, and see whether we may not ask Government to amend some of the rules made under this Act with a veiw to alleviating any difficulty in the way of merchants and at the same time to strengthening the provisions of the Act in the direction of putting down what is a growing evil, viz., the adulteration of foodstuffs."

* The hon. Diwan Bahadur B. MUNISWAMI NAYUDU:—" Sir, as explained in the Objects and Reasons, the object of the Bill is to remove a technical difficulty. A doubt was raised in the High Court in a recent case. Under this Act, rules were framed in the year 1926. In 1929 this Act was extended, by notification, to the Madras City. To prosecutions launched under the Act in the Madras City, objection was taken that, as the Act now stands, the rules framed in 1926 are not applicable to the city as the rules were not framed after the Act was extended to the city. The High Court expressed a doubt as to whether they will apply to the City. It is to avoid that difficulty and to see that the rules once framed, are made applicable to all localities when the Act is extended subsequently by notification, that this Bill has been brought forward. I shall certainly be prepared to consider the question of modifying the rules if specific proposals are brought forward. I may also mention that recently the merchants to whom my hon. Friend from Madras referred presented a petition as to the difficulties they are experiencing with regard to the working of these rules and the question is under the consideration of the Government. Consistent with the enforcement of the Act, I shall certainly consider any modification of the rules that may be necessary to deal with these cases. So far as the present Bill is concerned, its object is merely to take power to make these rules applicable to whatever locality the Act may be extended."

* Mr. SAMI VENKATACHALAM CHETTI:—" May I be permitted to say that the only way of dealing with the difficulty of the applicability of the rules to certain parts of the country is to consider also the grievances made by the merchants? Both these points might be considered

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simultaneously. What I say is that the Government might consider both these cases simultaneously, viz., the applicability of the rules to certain localities and the amendment of the rules so as to meet the legitimate and reasonable difficulties of the merchants when the Act is enforced. But if the Government insist upon the Bill being passed now and if they assure us that the proper consideration of the grievances will be made in the near future, there is no reason why I should press my point of view. But all the same I think that even in the interest of enforcing the provisions of this Act, it is desirable that the rules should be so modified as to suit local conditions and not to adopt in toto the rules framed in other countries in this connexion."

The question that the Bill be taken into consideration was put and carried.

Clauses 1 to 4 of the Bill were successively put and carried.

The Preamble of the Bill was put and carried.

The hon. Diwan Bahadur B. MUNISWAMI NAYUDU:—"I now move that the Bill be passed into law."

Mr. T. SUNDARA RAO NAYUDU:—"I second it."

The motion was put and carried and the Bill was passed into law.

IX.—A BILL TO AMEND THE MADRAS SUPPRESSION OF IMMORAL TRAFFIC ACT, 1930.

* The hon. Khan Bahadur Sir MAHOMED USMAN SAHIB Bahadur:—"Sir, I beg to present the Report[a] of the Select Committee on the Bill to amend the Madras Suppression of Immoral Traffic Act, 1930 (Bill No. 9 of 1931) and to move that the Bill, as amended by the Select Committee, be taken into consideration. Hon. Members will remember that this Bill was referred to the Select Committee and the Committee have submitted their report. They have made certain recommendations and they will be considered when the Government put this Act into force."

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"I second it."

* Mr. SAMI VENKATACHALAM CHETTI:—"Sir, I desire to make one or two observations with regard to this Bill. I am glad that the Government have decided to enforce the provisions of this Act. This resolution on the part of the Government is due to our hon. ex-colleague Dr. Muthulakshmi Reddi who indefatigably worked for the passing of this measure. Though I had to differ from some of the provisions of this Bill, it is not my intention that the present evils of immoral traffic that is very rampant in the city of Madras and in some parts of the Presidency, should go on. What I am afraid of is that too much power is vested with the Police in the discharge of their duties in connexion with the administration of the Act. In other countries prosecutions are generally launched against persons only when these prosecutions are sanctioned by an officer called the Director of Public Prosecutions, who brings to bear upon each case his judicial

[a] Printed as Appendix XXIII on pages 177-178 infra.